

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RICHARD LOUIS GUAY,

Defendant.

CR 17-114-BLG-DLC

ORDER

United States Magistrate Judge Timothy J. Cavan entered Findings and Recommendation in this matter on December 21, 2017. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Cavan recommended this Court accept Richard Louis Guay’s guilty

plea after Guay appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to one count of conspiring to distribute heroin in violation of 21 U.S.C. § 846 as set forth in Count I of the Indictment.

I find no clear error in Judge Cavan's Findings and Recommendation (Doc. 58), and I adopt them in full.

Accordingly, IT IS ORDERED that Richard Louis Guay's motion to change plea (Doc. 45) is GRANTED and Richard Louis Guay is adjudged guilty as charged in Count I of the Indictment.

DATED this 16th day of January, 2018.



Dana L. Christensen, Chief District Judge
United States District Court